



In Re Application No. Falk FISH
Application No. 09/763,415

Filed: May 16, 2001

For: METHOD AND KIT FOR THE DETERMINATION OF...

Confirmation No.: 9137

THE COMMISSIONER OF PATENTS AND TRADEMARKS

Customer Window, Mail Stop:
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

Sir:

Transmitted herewith is a [XX] REQUEST TO VACATE NOTICE OF ABANDONMENT in the above-identified application.

- [] Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted
- [] A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.
- No additional fee is required.

The fee has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT	(Col. 2) MINUS	HIGHEST NO. PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA EQUALS
TOTAL	*	MINUS	** 20	0
INDEP.	*	MINUS	*** 3	0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
x 9	\$		x 18	\$
x 42	\$		x 84	\$
+ 140	\$		+ 280	\$
ADDITIONAL FEE TOTAL		\$	TOTAL	

- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- ** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.
- *** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity

Response Filed Within

- [] First - \$ 55.00
- [] Second - \$ 205.00
- [] Third - \$ 465.00
- [] Fourth - \$ 725.00

Month After Time Period Set

[] Less fees (\$_____) already paid for ____ month(s) extension of time on _____.

Other Than Small Entity

Response Filed Within

- [] First - \$ 110.00
- [] Second - \$ 410.00
- [] Third - \$ 930.00
- [] Fourth - \$ 1450.00

Month After Time Period Set

[] Please charge my Deposit Account No. 02-4035 in the amount of \$_____.

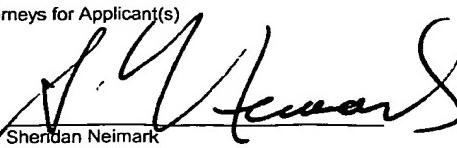
[] Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$_____.

[] A check in the amount of \$_____ is attached (check no.).

The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK

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1645



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: FISH=4 #15

In re Application of:) Art Unit: 1645
Falk FISH)
Appln. No.: 09/763,415) Examiner: J. Hines
Date Filed: May 16, 2001) Washington, D.C.
For: METHOD AND KIT FOR THE) Confirmation No. 9137
DETERMINATION OF...) September 30, 2003

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REQUEST TO VACATE NOTICE OF ABANDONMENT

Honorable Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicant is in receipt of Paper No. 13 mailed September 16, 2003, copy attached, the second page of which is entitled "Notice of Abandonment" but which does not appear to accurately relate to the facts of the present application. Accordingly, applicant requests that such Notice of Abandonment be vacated, i.e. withdrawn.

THE FACTS

A Final Rejection, Paper No. 10, was mailed from the PTO on March 20, 2003. Six (6) months measured from the mailing date of March 20, 2003, is **September 20, 2003**.